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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

March 25, 2024

CALL TO ORDER

The Chair called the meeting to order at 6:07 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Ereth led the Pledge of Allegiance.

ROLL CALL

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Angely Andrade, Commissioner Jonny Rojas, and Commissioner Vivar

Absent: Commissioner Karen Klepack, Commissioner Jon Zich

Officials Present: Assistant City Manager Cecilia Gallardo-Daly, Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Assistant City Attorney Tarquin Preziosi, Principal Planner Phayvanh Nanthavongdouangsy, Senior Planner Michelle Hallagan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Ida Wolf expressed her concerns and opposition to the proposed housing project to be built in the senior center parking lot.

Jay Humphrey expressed his concerns for the number of Cannabis store fronts opening under Conditional Use Permits.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar thanked the public for their attendance.

Vice Chair Toler thanked the public for their attendance. He commented on a recent event he attended with Orange County Strong Towns. He encouraged the public to research Strong Towns mission and to get involved.

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CONSENT CALENDAR:

No member of the public nor Commissioner requested to pull a Consent Calendar item.

1. APPROVAL OF MEETING MINUTES: FEBRUARY 26, 2024

MOVED/SECOND: Vivar/Ereth

MOTION: Approve recommended action for Consent Calendar Item No. 1.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Rojas, Vivar

Nays: None

Absent: Klepack, Zich

Abstained: None

Motion carried: 5-0-2

ACTION: Planning Commission approved the minutes of the regular meeting of February 26, 2024.

PUBLIC HEARINGS:**1. PLANNING APPLICATION 22-08 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2490 NEWPORT BOULEVARD (NEWPORT WELLNESS)**

Project Description: Planning Application 22-08 is a request for a Conditional Use Permit to allow an approximate 2,000-square-foot retail cannabis storefront use with delivery in an existing single-story commercial building located at 2490 Newport Boulevard.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

The following two ex-parte Planning Commission communications were reported:

Commissioner Vivar spoke on the phone with Kate Klimow.

Chair Ereth spoke on the phone with Kate Klimow. and spoke with Attorney Alexander Haberbush who is representing some Eastside Costa Mesa residents.

Michelle Halligan, Senior Planner, presented the staff report.

The Commission asked questions of staff including discussion of number of units on the property, proposed trash enclosure, security lighting impacts on nearby

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vacant or occupied residential units, light shielding and light fixtures, type of fence proposed to be built, existing businesses, overnight security guards, proximity to other approved cannabis applications, neighborhood compatibility, and employee parking requirements.

The Chair opened the Public Hearing.

Sean Maddocks, applicant's representative, stated he had read and agreed to the conditions of approval.

The Commission asked questions of the applicant including discussion of community outreach, unhoused individuals in the surrounding area, reason for holding community outreach meeting in January, and current tenants onsite.

The Chair opened Public Comments.

Speaker one spoke in opposition of the item.

Robert White spoke in opposition to the item.

Speaker three spoke in opposition of the item.

Speaker four spoke in opposition of the item.

Alexander Haberbusch spoke in opposition to the item.

The Chair closed Public Comments.

The Commission asked additional questions of applicant and staff regarding property owners' decision to lease to a cannabis business, whom the community can contact for more information, reduced hours of operation, disadvantages of reducing operation hours are reduced, if there are sensitive uses located nearby, and for staff to elaborate on the pending Cannabis Ordinance update.

The Chair closed the Public Hearing.

The Commission deliberation included the number of cannabis storefronts already approved, the proposed cannabis ordinance changes, community concerns, neighboring residential uses, adequate security lighting and if it impacts the neighboring residents, positive and negative impacts on the community, General Plan, compliance findings, and codes the Commission must abide by.

Commissioner Vivar made a motion to Deny Planning Application 22-08. Seconded by Commissioner Andrade.

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The Commission discussed the motion including that the proposed development may not be compatible with residential units on the property and nearby, the potential negative impacts on the neighborhood, and that maintenance of the property should be done by the property owner.

Vice Chair Toler made a substitute motion to approve Planning Application 22-08. Seconded by Commissioner Rojas.

The Commission discussed the motion and added conditions to have the applicant come back to the Planning Commission if the 24-hour security condition is revised, and to require a parking attendant for three months and then after the three months, the staff will decide if the parking attendant will continue.

MOVED/SECOND: Toler/Rojas

MOTION: Approve staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas

Nays: Andrade, Vivar

Absent: Klepack, Zich

Abstain: None

Motion carried: 3-2-2

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. Approve Planning Application 22-08 subject to the conditions of approval as contained in the Resolution.

RESOLUTION PC-2024-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-08 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (NEWPORT WELLNESS) IN THE C1 ZONE AT 2490 NEWPORT BOULEVARD

The Chair explained the appeal process.

OLD BUSINESS:

None.

NEW BUSINESS:

1. FAIRVIEW DEVELOPMENTAL CENTER PROJECT UPDATE

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Cecilia Gallardo-Daly, Assistant City Manager, Phayvanh Nanthavongdouangsy, Principal Planner, Karen Gulley and Suzanne Schwab from Placeworks, the City's Consultant team presented the staff report.

The Commission, Staff and Consultants discussed if there was a possible opportunity to increase the affordability percentage, feedback received by the public, community members asking for an advisory committee to be formed, state funding, project milestones, adding a bus stop, improvements to the ingress and egress of the site, pedestrian/transit compatibility, adding a community garden, adding a park with play structure, elimination of the helipad, possibility of a land swap to provide better access to the neighborhoods, existing utility services onsite, possible barriers that would hinder development, housing needs within the City and how that information is reflected in the draft report, community outreach events, and upcoming Joint Study Session with City Council.

The Chair opened Public Comments.

Speaker one expressed his support for a land swap.

Jay Humphrey spoke on his support for a land swap. He spoke about density, development, and expressed his concerns about not gathering enough information from the public. He expressed his desire to see an advisory committee formed.

Richard Huffman expressed his opinion on the public outreach thus far and requested that an advisory committee be established.

Cynthia McDonald expressed her opinion on public outreach. She asked for more transparency in all matters relating to this item. She voiced her support for a land swap.

The Chair closed Public Comments.

The Commission, staff and consultant discussed the redundancy of forming an advisory committee, open space, density, stormwater infrastructure, car dependency, shared parking, greenbelt extending from the back bay, ingress, and egress.

Chair Ereth made a motion to receive and file. Seconded by Commissioner Rojas.

MOVED/SECOND: Ereth/Rojas

MOTION: To Receive and File.

The motion carried by the following roll call vote:

Ayes: Ereth, Andrade Toler, Rojas, Vivar

Nays: None

Absent: Klepack, Zich

Abstain: None

Motion carried: 5-0-2

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DEPARTMENTAL REPORTS:

1. Public Works Report – None.
2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT:

1. City Attorney – None.

ADJOURNMENT AT 9:55 PM

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION